
By: **Delegates Elliott, Bozman, and Sophocleus**
Introduced and read first time: February 12, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy - Registration of Pharmacy Technicians**

3 FOR the purpose of authorizing the State Board of Pharmacy to regulate pharmacy
4 technicians; creating a certain position that has overall responsibility for the
5 operations of a pharmacy; allowing the delegation of certain pharmacy acts
6 under certain circumstances; altering the grounds for disciplinary action;
7 altering certain labeling requirements; establishing qualifications, application
8 requirements, continuing education requirements, terms of registration,
9 renewal procedures, causes for disciplinary action, certain reporting
10 requirements, certain representation requirements, and penalties for registered
11 pharmacy technicians; altering certain definitions; and generally relating to the
12 State Board of Pharmacy, the registration of pharmacy technicians, and
13 hearings.

14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations
16 Section 12-101, 12-205, 12-307, 12-313, 12-315(a), 12-316, 12-319, 12-320,
17 12-403, 12-505, and 12-707
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY adding to
21 Article - Health Occupations
22 Section 12-321; and 12-6B-01 through 12-6B-14, inclusive, to be under the
23 new subtitle "Subtitle 6B. Registered Pharmacy Technicians"
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2003 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Health Occupations

2 12-101.

3 (a) In this title the following words have the meanings indicated.

4 (b) "Authorized prescriber" means any licensed dentist, licensed physician,
5 licensed podiatrist, licensed veterinarian, certified nurse midwife to the extent
6 permitted in § 8-601 of this article, certified nurse practitioner to the extent
7 permitted in § 8-508 of this article, or other individual authorized by law to prescribe
8 prescription or nonprescription drugs or devices.

9 (c) "Board" means the State Board of Pharmacy.

10 (D) "CHARGE PHARMACIST" MEANS A PHARMACIST CURRENTLY LICENSED IN
11 THE STATE WHO:

12 (1) ACCEPTS RESPONSIBILITY FOR THE OPERATION OF A PHARMACY IN
13 CONFORMANCE WITH THIS TITLE AND OTHER APPLICABLE LAWS; AND

14 (2) IS IN FULL AND ACTUAL CHARGE OF THE PHARMACY AND THE
15 PHARMACY'S PERSONNEL.

16 [(d)] (E) (1) "Compounding" means [the preparation, mixing, assembling,
17 packaging, or labeling of a drug or device:

18 (i) As the result of a practitioner's prescription drug order or
19 initiative based on the practitioner/patient/pharmacist relationship in the course of
20 professional practice; or

21 (ii) For the purpose of, or incident to, research, teaching, or
22 chemical analysis and not for the sale or dispensing of the drug or device.];

23 (I) THE PREPARATION OF A COMBINATION OF MORE THAN ONE
24 INGREDIENT; OR

25 (II) THE ALTERATION OF A DOSAGE FORM.

26 (2) "Compounding" includes the preparation of drugs or devices in
27 anticipation of a prescription drug order based on routine, regularly observed
28 prescribing patterns.

29 (F) "DELEGATED PHARMACY ACTS" MEANS THE DELEGATION OF ACTIVITIES
30 TO PRACTICE PHARMACY BY A PHARMACIST UNDER THIS TITLE AND REGULATIONS
31 ADOPTED BY THE BOARD.

32 [(e)] (G) (1) "Device" means a device used in the diagnosis, treatment, or
33 prevention of disease.

34 (2) "Device" does not include any:

- 1 (i) Surgical or dental instrument;
- 2 (ii) Physical therapy equipment;
- 3 (iii) X-ray apparatus; or
- 4 (iv) Component part or accessory of any of these items.

5 [(f)] (H) "Dispense" or "dispensing" means the procedure which BEGINS WITH
6 THE RECEIPT OF A PRESCRIPTION OR A MEDICATION ORDER AND results in the
7 receipt of a prescription or nonprescription drug or device by a patient or the patient's
8 agent and which entails the:

- 9 (1) Interpretation of an authorized prescriber's prescription for a drug or
10 device;
- 11 (2) Selection and labeling of the drug or device prescribed pursuant to
12 that prescription; and
- 13 (3) Measuring and packaging of the prescribed drug or device in
14 accordance with State and federal laws.

15 [(g)] (I) (1) "Distribute" means the process resulting in the provision of a
16 prescription or nonprescription drug or device to a separate, intervening individual,
17 licensed and practicing under this article, prior to administration of the provided drug
18 or device to the patient pursuant to a prescription issued by an authorized prescriber.

19 (2) "Distribute" does not include the operations of a person who holds a
20 permit issued under § 12-602 of this title.

21 [(h)] (J) "License" means, unless the context requires otherwise, a license
22 issued TO A PHARMACIST by the Board to practice pharmacy.

23 [(i)] (K) "Licensed pharmacist" means, unless the context requires otherwise,
24 a pharmacist who is licensed by the Board to practice pharmacy.

25 [(j)] (L) "Nonprescription drug" means a drug which may be sold without a
26 prescription and which is labeled for use by the consumer in accordance with the
27 requirements of the laws and regulations of this State and the federal government.

28 [(k)] (M) "Nonresident pharmacy" means a pharmacy located outside this
29 State that, in the normal course of business, as determined by the Board, ships, mails,
30 or delivers drugs or devices to a person in this State pursuant to a prescription.

31 [(l)] (N) "Pharmaceutical care" means the provision of a [patient's drug
32 regimen for the purpose of achieving definite outcomes related to the cure or
33 prevention of a disease, elimination or reduction of a patient's symptoms, or arresting
34 or slowing of a disease process by identifying, resolving, or preventing actual or
35 potential drug therapy problems and which may include patient counseling and
36 providing information to licensed and certified health care providers] DRUG THERAPY

1 REGIMEN FOR THE PURPOSE OF ACHIEVING DEFINITE OUTCOMES THAT IMPROVE A
2 PATIENT'S QUALITY OF LIFE.

3 [(m)] (O) "Pharmacist" means an individual who practices pharmacy
4 regardless of the location where the activities of practice are performed.

5 [(n)] (P) "Pharmacy" means an establishment in which prescription or
6 nonprescription drugs or devices are compounded, dispensed, or distributed.

7 [(o)] (Q) "Pharmacy permit" means a permit issued by the Board to establish
8 and operate a pharmacy.

9 (R) "PHARMACY STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED AS A
10 STUDENT IN A SCHOOL OR COLLEGE OF PHARMACY APPROVED BY THE BOARD OR
11 ACCREDITED BY THE AMERICAN COUNCIL ON PHARMACEUTICAL EDUCATION.

12 [(p)] (S) (1) "Practice pharmacy" means to engage in any of the following
13 activities:

14 (i) Providing pharmaceutical care;

15 (ii) Compounding, dispensing, or distributing prescription OR
16 NONPRESCRIPTION drugs or devices;

17 [(iii)] (III) Compounding or dispensing nonprescription drugs or devices;

18 (iv)] (III) Monitoring prescriptions for prescription and
19 nonprescription drugs or devices;

20 [(v)] (IV) Providing information, explanation, or recommendations
21 to patients and health care practitioners about the safe and effective use of
22 prescription or nonprescription drugs or devices;

23 [(vi)] (V) Identifying and [appraising] ACTING UPON problems
24 [concerning the use or monitoring of therapy with drugs or devices; or] RELATED TO
25 DRUG THERAPY;

26 [(vii)] (VI) Acting within the parameters of a therapy management
27 contract, as provided under Subtitle 6A of this title; OR

28 (VII) SUPERVISING DELEGATED PHARMACY ACTS BY A REGISTERED
29 PHARMACY TECHNICIAN.

30 (2) "Practice pharmacy" does not include the operations of a person who
31 holds a permit issued under § 12-602 of this title.

32 (T) "REGISTERED PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS
33 REGISTERED WITH THE BOARD TO PERFORM DELEGATED PHARMACY ACTS.

1 (U) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
2 REGISTRATION ISSUED BY THE BOARD TO PERFORM DELEGATED PHARMACY ACTS
3 UNDER THE SUPERVISION OF A LICENSED PHARMACIST.

4 (V) "SUPERVISION" MEANS REVIEWING THE WORK, GUIDING AND DIRECTING
5 THE ACTIVITIES, AND MONITORING THE PERFORMANCE OF A REGISTERED
6 PHARMACY TECHNICIAN.

7 12-205.

8 (a) In addition to the powers set forth elsewhere in this title, the Board may
9 adopt:

10 (1) Rules and bylaws that are necessary to do its business;

11 (2) Rules and regulations to carry out the provisions of this title;

12 (3) Rules and regulations that are necessary to protect the public health,
13 safety, and welfare and that establish standards for practicing pharmacy and
14 operating pharmacies, including rules and regulations that govern:

15 (i) Methods of advertising and promotion; and

16 (ii) Standards for filling and refilling prescriptions; and

17 (4) A code of conduct that specifies which behaviors are either required
18 or prohibited in the practice of pharmacy.

19 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

20 (1) Keep a record that includes:

21 (i) The name and place of the business or the home address of each
22 licensed pharmacist AND EACH REGISTERED PHARMACY TECHNICIAN; [and]

23 (ii) The facts concerning the issuance of that pharmacist's license;
24 and

25 (III) THE FACTS CONCERNING THE ISSUANCE OF THAT PHARMACY
26 TECHNICIAN'S REGISTRATION; AND

27 (2) Prepare and deliver to the Governor, the Secretary, and the Maryland
28 Pharmacists Association an annual report that:

29 (i) Summarizes the condition of pharmacy in this State; and

30 (ii) Includes a record of the proceedings of the Board; and

31 (3) Disclose any information contained in a record to any health
32 occupations regulatory board or agency of this State or another state if the health

1 occupations regulatory board or agency of this State or another state requests the
2 information in writing.

3 (c) In addition to the duties set forth elsewhere in this title, the Board may
4 initiate such programs and projects as deemed necessary to inform or protect the
5 public.

6 12-307.

7 (a) A license authorizes the licensee to practice pharmacy while the license is
8 effective.

9 (b) Except as otherwise provided in this section, a pharmacist may engage in
10 dispensing or distributing only from a pharmacy holding a pharmacy permit issued
11 by the Board.

12 (c) Pursuant to regulations adopted by the Board, a licensed pharmacist may
13 engage in dispensing or distributing from a setting not holding a pharmacy permit
14 only upon receiving the prior approval of the Board.

15 (D) A LICENSED PHARMACIST MAY DELEGATE PHARMACY ACTS TO A
16 REGISTERED PHARMACY TECHNICIAN PROVIDED THAT:

17 (1) THE DELEGATED PHARMACY ACTS ARE PERFORMED UNDER THE
18 SUPERVISION OF A LICENSED PHARMACIST;

19 (2) THE DELEGATED ACTS ARE NOT REQUIRED TO BE PERFORMED BY A
20 LICENSED PHARMACIST;

21 (3) THE LICENSED PHARMACIST IS COMPETENT TO PERFORM THE
22 DELEGATED ACTS;

23 (4) THE REGISTERED PHARMACY TECHNICIAN HAS THE EDUCATION,
24 TRAINING, AND EXPERIENCE TO PERFORM THE DELEGATED PHARMACY ACT; AND

25 (5) REGULATIONS ESTABLISHED BY THE BOARD PERMIT THE
26 DELEGATION OF THE PHARMACY ACT.

27 12-313.

28 [(a) In this section, "convicted" includes a determination of guilt, a guilty plea,
29 or a plea of nolo contendere followed by a sentence.]

30 [(b)] Subject to the hearing provisions of § 12-315 of this subtitle, the Board[,
31 on the affirmative vote of a majority of its members then serving,] may deny a license
32 to any applicant FOR A PHARMACIST'S LICENSE, reprimand any licensee, place any
33 licensee on probation, or suspend or revoke a license OF A PHARMACIST if the
34 applicant or licensee:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a license
36 for the applicant or licensee or for another;

- 1 (2) Fraudulently or deceptively uses a license;
- 2 (3) Aids an unauthorized individual to practice pharmacy or to represent
3 that the individual is a pharmacist;
- 4 (4) DELEGATES PHARMACY ACTS TO AN UNAUTHORIZED INDIVIDUAL;
- 5 [(4)] (5) Provides professional services while:
- 6 (i) Under the influence of alcohol; or
- 7 (ii) Using any narcotic or controlled dangerous substance, as
8 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
9 therapeutic amounts or without valid medical indication;
- 10 [(5)] (6) Submits a false statement to collect a fee;
- 11 [(6)] (7) Willfully makes or files a false report or record as part of
12 practicing pharmacy;
- 13 [(7)] (8) Willfully fails to file or record any report that is required by law;
- 14 [(8)] (9) Willfully impedes or obstructs the filing or recording of any
15 report that is required by law;
- 16 [(9)] (10) Willfully induces another to fail to file or record any report that
17 is required by law;
- 18 [(10)] (11) Provides or causes to be provided to any authorized prescriber
19 prescription forms that bear the name, address, or other means of identification of a
20 pharmacist or pharmacy;
- 21 [(11)] (12) Provides remuneration to an authorized prescriber for
22 referring an individual to a pharmacist or pharmacy for a product or service to be
23 provided by that pharmacist or pharmacy;
- 24 [(12)] (13) Agrees with an authorized prescriber OR REGISTERED
25 PHARMACY TECHNICIAN to prepare or dispense a secret formula prescription;
- 26 [(13)] (14) Except as to an association that has remained in continuous
27 existence since July 1, 1963, associates as a partner, coowner, or employee of a
28 pharmacy that is owned wholly or substantially by an authorized prescriber or group
29 of authorized prescribers;
- 30 [(14)] (15) Dispenses any drug, device, or diagnostic for which a
31 prescription is required without a written, oral, or electronically transmitted
32 prescription from an authorized prescriber;
- 33 [(15)] (16) Except as provided in § 12-506 of this title, unless an
34 authorized prescriber authorizes the refill, refills a prescription for any drug, device,
35 or diagnostic for which a prescription is required;

1 [(16)] (17) Violates any provision of § 12-505 of this title, which concerns
2 the labeling requirements for prescriptions for drugs, devices, or diagnostics;

3 [(17)] (18) Violates any provision of § 12-603 of this title, which concerns
4 the home dialysis distribution program;

5 [(18)] (19) Advertises or otherwise publicly claims to dispense
6 prescriptions or practice pharmacy in a superior manner;

7 [(19)] (20) Advertises in a manner that tends to deceive or defraud the
8 public;

9 [(20)] (21) Is professionally, physically, or mentally incompetent;

10 [(21)] (22) [Is convicted of or pleads guilty or nolo contendere to a felony or
11 to a crime involving moral turpitude, whether or not any appeal or other proceeding is
12 pending to have the conviction or plea set aside] PLEADED GUILTY OR NOLO
13 CONTENDERE TO, OR HAS BEEN FOUND GUILTY OF, A FELONY OR A CRIME
14 INVOLVING MORAL TURPITUDE, REGARDLESS OF WHETHER:

15 (I) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION
16 OF SENTENCE IS WITHHELD; OR

17 (II) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING
18 THE MATTER;

19 [(22)] (23) [Is convicted of a violation] VIOLATES A PROVISION of this title;

20 [(23)] (24) Is disciplined by a licensing or disciplinary authority of any
21 state or country or convicted or disciplined by a court of any state or country for an act
22 that would be grounds for disciplinary action under the Board's disciplinary statutes;

23 [(24)] (25) Violates any rule or regulation adopted by the Board;

24 [(25)] (26) Refuses, withholds from, denies, or discriminates against an
25 individual with regard to the provision of professional services for which the licensee
26 is licensed and qualified to render because the individual is HIV positive;

27 [(26)] (27) Violates any provision of § 12-507 of this title;

28 [(27)] (28) Provides or causes to be provided confidential patient
29 information to any person without first having obtained the patient's consent, as
30 required by [§ 12-403(b)(13)] § 12-403(B)(12) of this title and by Title 4, Subtitle 3 of
31 the Health - General Article; [or]

32 [(28)] (29) Fails to cooperate with a lawful investigation conducted by the
33 Board or the Division of Drug Control;

34 (30) DELEGATES PHARMACY ACTS TO A REGISTERED PHARMACY
35 TECHNICIAN THAT THE LICENSED PHARMACIST IS NOT COMPETENT TO PERFORM;

1 (31) DELEGATES PHARMACY ACTS TO A REGISTERED PHARMACY
2 TECHNICIAN WHO DOES NOT HAVE THE EDUCATION, TRAINING, OR EXPERIENCE TO
3 PERFORM THE DELEGATED PHARMACY ACTS;

4 (32) PARTICIPATES IN AN ACTIVITY THAT IS GROUNDS FOR BOARD
5 ACTION UNDER § 12-409(A) OF THIS TITLE; OR

6 (33) VIOLATES A LAW RELATING TO THE CHARGE PHARMACIST.

7 12-315.

8 (a) Except as otherwise provided in the Administrative Procedure Act, before
9 the Board takes any action under § 12-313 of this subtitle OR § 12-6B-09 OF THIS
10 TITLE, it shall give the individual against whom the action is contemplated an
11 opportunity for a hearing before the Board.

12 12-316.

13 (a) Except as provided in this section for an action under § 12-313 of this
14 subtitle OR § 12-6B-09 OF THIS TITLE, any person aggrieved by a final decision of the
15 Board in a contested case, as defined in the Administrative Procedure Act, may:

16 (1) Appeal that decision to the Board of Review; and

17 (2) Then take any further appeal allowed by the Administrative
18 Procedure Act.

19 (b) (1) Any person aggrieved by a final decision of the Board under § 12-313
20 of this subtitle OR § 12-6B-09 OF THIS TITLE may not appeal to the Secretary or Board
21 of Review but may take a direct judicial appeal.

22 (2) The appeal shall be made as provided for judicial review of final
23 decisions in the Administrative Procedure Act.

24 12-319.

25 (a) An action may be maintained in the name of this State or the Board to
26 enjoin:

27 (1) The unauthorized practice of pharmacy; [or]

28 (2) Conduct that is a ground for disciplinary action under § 12-313 of
29 this subtitle OR § 12-6B-09 OF THIS TITLE;

30 (3) THE UNAUTHORIZED OPERATION OF A PHARMACY; OR

31 (4) THE DISTRIBUTION OF DRUGS OR DEVICES WITHOUT A
32 DISTRIBUTOR'S PERMIT.

33 (b) An action may be brought by:

- 1 (1) The Board, in its own name;
- 2 (2) The Attorney General, in the name of the State; or
- 3 (3) The State's Attorney, in the name of the State.

4 (c) An action under this section shall be brought in the county where the
5 defendant resides or engages in the actions sought to be enjoined.

6 (d) Proof of actual damages or that a person will sustain damage if an
7 injunction is not granted is not required for an action under this section.

8 (e) An action under this section is in addition to and not instead of:

9 (1) [criminal] CRIMINAL prosecution UNDER § 12-707 OF THIS TITLE for:

10 (I) [unauthorized] UNAUTHORIZED practice of pharmacy [under §
11 12-701 of this title or];

12 (II) OPERATING A PHARMACY WITHOUT A PERMIT; OR

13 (III) DISTRIBUTING DRUGS OR DEVICES WITHOUT A DISTRIBUTOR'S
14 PERMIT; OR

15 (2) [disciplinary] DISCIPLINARY action under § 12-313 of this subtitle
16 OR § 12-6B-09 OF THIS TITLE.

17 12-320.

18 (a) In investigating an allegation brought against a licensee OR REGISTERED
19 PHARMACY TECHNICIAN under this title, if the Board has reason to believe that a
20 licensee OR REGISTERED PHARMACY TECHNICIAN may cause harm to a person
21 affected by the licensee's practice OR THE ACTS OF A REGISTERED PHARMACY
22 TECHNICIAN, the Board on its own initiative may direct the licensee OR REGISTERED
23 PHARMACY TECHNICIAN to submit to an appropriate examination by a health care
24 provider designated by the Board.

25 (b) In return for the privilege given to a licensee to practice pharmacy OR A
26 REGISTERED PHARMACY TECHNICIAN TO PERFORM DELEGATED PHARMACY ACTS in
27 the State, the licensee OR REGISTERED PHARMACY TECHNICIAN is deemed to have:

28 (1) Consented to submit to an examination under this section, if
29 requested by the Board in writing; and

30 (2) Waived any claim of privilege as to the testimony or examination
31 reports of a health care provider.

32 (c) The failure or refusal of a licensee OR REGISTERED PHARMACY
33 TECHNICIAN to submit to an examination required under this section is prima facie
34 evidence of the licensee's inability to practice pharmacy competently OR THE
35 REGISTERED PHARMACY TECHNICIAN'S INABILITY TO PERFORM DELEGATED

1 PHARMACY ACTS, unless the Board finds that the failure or refusal was beyond the
2 control of the licensee OR REGISTERED PHARMACY TECHNICIAN.

3 (d) The Board shall pay the cost of any examination made under this section.
4 12-321.

5 (A) A CHARGE PHARMACIST SHALL:

6 (1) BE PHYSICALLY PRESENT IN THE PHARMACY FOR A SUFFICIENT
7 AMOUNT OF TIME TO:

8 (I) MANAGE THE PHARMACY; AND

9 (II) MAINTAIN CONTROL OVER THE OPERATION OF THE
10 PHARMACY;

11 (2) ENSURE THAT THE PHARMACY COMPLIES WITH STATE AND
12 FEDERAL LAWS; AND

13 (3) MEET THE RESPONSIBILITIES AND REQUIREMENTS ESTABLISHED
14 BY REGULATIONS AS IMPLEMENTED BY THE BOARD.

15 (B) UNLESS APPROVED BY THE BOARD, A PHARMACIST SHALL BE PROHIBITED
16 FROM BEING A CHARGE PHARMACIST IF THE PHARMACIST HAS A PUBLIC FINAL
17 ORDER BY THE BOARD THAT DISCIPLINES THE PHARMACIST.

18 (C) VIOLATION OF THIS SECTION MAY BE GROUNDS FOR:

19 (1) DISQUALIFICATION AS A CHARGE PHARMACIST; OR

20 (2) A DISCIPLINARY PROCEEDING UNDER § 12-313 OF THIS SUBTITLE OR
21 § 12-409 OF THIS TITLE.

22 (D) A PHARMACIST MAY NOT ABROGATE THE PHARMACIST'S
23 RESPONSIBILITIES AS THE CHARGE PHARMACIST.

24 12-403.

25 (a) This section does not require a nonresident pharmacy to violate the laws or
26 regulations of the state in which it is located.

27 (b) Except as otherwise provided in this section, a pharmacy for which a
28 pharmacy permit has been issued under this title:

29 (1) Shall be operated in compliance with the law and with the rules and
30 regulations of the Board;

31 (2) Shall be located and equipped so that the pharmacy may be operated
32 without endangering the public health or safety;

1 (3) [Shall] EXCEPT AS OTHERWISE PROVIDED BY REGULATIONS
2 ADOPTED BY THE BOARD, SHALL ensure that a licensed pharmacist be immediately
3 available on the premises to provide pharmacy services at all times the pharmacy is
4 in operation;

5 [(4) Shall be supervised by a licensed pharmacist who is responsible for
6 the operations of the pharmacy at all times the pharmacy is in operation;]

7 [(5)] (4) Shall provide complete pharmaceutical service by preparing
8 and dispensing all prescriptions that reasonably may be expected of a pharmacist;

9 [(6)] (5) Shall provide services to the general public and may not restrict
10 or limit its services to any group of individuals unless granted a waiver from this
11 requirement by the Board;

12 [(7)] (6) May not offer pharmaceutical services under any term or
13 condition that tends to interfere with or impair the free and complete exercise of
14 professional pharmaceutical judgment or skill;

15 [(8)] (7) May not make any agreement that denies a patient a free choice
16 of pharmacist or pharmacy services;

17 [(9)] (8) May not participate in any activity that is a ground for Board
18 action against a licensed pharmacist under § 12-313 OR A REGISTERED PHARMACY
19 TECHNICIAN UNDER § 12-6B-09 of this title;

20 [(10)] (9) (i) Shall maintain at all times a current reference library that
21 is appropriate to meet the needs of:

22 1. The practice specialty of that pharmacy; and

23 2. The consumers the pharmacy serves; and

24 (ii) Shall comply with any regulations adopted by the Board
25 establishing the types of texts required to be included in the reference libraries in
26 each of the various practice specialty pharmacies;

27 [(11)] (10) (i) Shall maintain at all times the minimum professional and
28 technical equipment and sanitary appliances that are necessary in a pharmacy:

29 1. To prepare and dispense prescriptions properly; and

30 2. To otherwise operate a pharmacy; and

31 (ii) Shall:

32 1. Be equipped with the minimum equipment and appliances
33 specified by the Board under this section; and

34 2. Be kept in a clean and orderly manner;

1 [(12)] (11) Shall store all prescription or nonprescription drugs or devices
2 properly and safely subject to the rules and regulations adopted by the Board;

3 [(13)] (12) Shall:

4 (i) Make and keep on file for at least 5 years a record of each
5 prescription prepared or dispensed in the pharmacy;

6 (ii) Disclose the records and files maintained of prescriptions for
7 drugs or devices that identify or may be readily associated with the identity of a
8 patient only in accordance with the provisions of Title 4, Subtitle 3 of the Health -
9 General Article; and

10 (iii) Keep additional records as required by the rules and
11 regulations adopted by the Board;

12 [(14)] (13) Except as otherwise provided under federal law, shall establish
13 and maintain mechanisms to ensure that all prescription drugs or devices used
14 within institutions that provide acute, subacute, or long-term care, or within their
15 related corporate subsidiaries, but stored outside a pharmacy, are stored properly and
16 safely, subject to rules and regulations adopted by the Board and policies established
17 by the institution;

18 [(15)] (14) Shall provide such personnel, automation, and technology as
19 are necessary to allow the licensed pharmacist employee sufficient time to utilize the
20 pharmacist's knowledge and training and to perform competently the functions of a
21 licensed pharmacist as required by law;

22 [(16)] (15) Shall provide such personnel, automation, and technology as
23 are necessary to allow the licensed pharmacist employee OR REGISTERED PHARMACY
24 TECHNICIAN to comply with the labeling requirements specified in § 12-505;

25 [(17)] (16) With regard to a prescription drug that is delivered in this State
26 by the United States mail, a common carrier, or a delivery service and is not
27 personally hand delivered directly to a patient or to the agent of the patient at the
28 residence of the patient or at another location designated by the patient, shall:

29 (i) Provide a general written notice in each shipment of a
30 prescription drug that alerts a consumer that, under certain circumstances, a
31 medication's effectiveness may be affected by exposure to extremes of heat, cold, or
32 humidity; and

33 (ii) Provide a specific written notice in each shipment of a
34 prescription drug that provides a consumer with a toll-free or local consumer access
35 telephone number accessible during regular hours of operation, which is designed to
36 respond to consumer questions pertaining to medications; [and]

37 [(18)] (17) (i) May maintain a record log of any prescription that is
38 requested to be filled or refilled by a patient in accordance with the provisions of Title
39 4, Subtitle 3 of the Health - General Article;

1 (ii) If the prescription record of a patient includes the patient's
2 Social Security number, shall keep the Social Security number confidential;

3 (iii) May not list in the record log the type of illness, disability, or
4 condition that is the basis of any dispensing or distribution of a drug by a pharmacist;
5 and

6 (iv) May not list a patient's Social Security number, illness,
7 disability, or condition, or the name and type of drug received in the record log if the
8 log is available to other pharmacy customers;

9 (18) SHALL HAVE A CHARGE PHARMACIST PRESENT AT ALL TIMES THE
10 PHARMACY IS IN OPERATION;

11 (19) MAY NOT ABRIDGE THE AUTHORITY OF THE CHARGE PHARMACIST
12 TO EXERCISE PROFESSIONAL JUDGMENT RELATING TO THE PRACTICE OF
13 PHARMACY IN ACCORDANCE WITH THIS TITLE AND OTHER APPLICABLE LAWS; AND

14 (20) MAY NOT ALLOW AN UNAUTHORIZED INDIVIDUAL TO REPRESENT
15 THAT THE INDIVIDUAL IS A PHARMACIST OR REGISTERED PHARMACY TECHNICIAN.

16 (C) A PERSON HOLDING A PHARMACY PERMIT MAY NOT REVERSE THE
17 PROFESSIONAL JUDGMENT OF THE CHARGE PHARMACIST.

18 [(c)] (D) (1) The Board may waive any of the requirements of this section for
19 the University of Maryland School of Pharmacy, for nuclear pharmacy and dental
20 pharmacy experimental and teaching programs.

21 (2) The Board may waive the requirements of subsection [(b)(5) and (6)]
22 (B)(4) AND (5) of this section for pharmacies that are engaged in pharmaceutical
23 specialties which are recognized by the Board under rules and regulations adopted by
24 the Board.

25 [(d)] (E) A nonresident pharmacy shall hold a pharmacy permit issued by the
26 Board.

27 [(e)] (F) (1) In order to obtain a pharmacy permit from the Board, a
28 nonresident pharmacy shall:

29 (i) Submit an application to the Board on the form that the Board
30 requires;

31 (ii) Pay to the Board an application fee set by the Board;

32 (iii) Submit a copy of the most recent inspection report resulting
33 from an inspection conducted by the regulatory or licensing agency of the state in
34 which the nonresident pharmacy is located; and

1 (iv) On the required permit application, identify the name and
2 current address of an agent located in this State officially designated to accept service
3 of process.

4 (2) A nonresident pharmacy shall report a change in the name or address
5 of the resident agent in writing to the Board 30 days prior to the change.

6 [(f)] (G) A nonresident pharmacy shall:

7 (1) Comply with the laws of the state in which it is located;

8 (2) On an annual basis and within 30 days after a change of office,
9 corporate officer, or pharmacist, disclose to the Board the location, names, and titles
10 of all principal corporate officers and all pharmacists who are dispensing
11 prescriptions for drugs or devices to persons in this State;

12 (3) Comply with all lawful directions and requests for information from
13 the regulatory or licensing agency of the state in which it is located and all requests
14 for information made by the Board pursuant to this section;

15 (4) Maintain at all times a valid, unexpired permit to conduct a
16 pharmacy in compliance with the laws of the state in which it is located;

17 (5) Maintain its records of prescription drugs or devices dispensed to
18 patients in this State so that the records are readily retrievable;

19 (6) During its regular hours of operation, but not less than 6 days a
20 week, and for a minimum of 40 hours per week, provide toll-free telephone service to
21 facilitate communication between patients in this State and a pharmacist who has
22 access to the patient's prescription records;

23 (7) Disclose its toll-free telephone number on a label affixed to each
24 container of drugs or devices;

25 (8) Comply with the laws of this State relating to the confidentiality of
26 prescription records if there are no laws relating to the confidentiality of prescription
27 records in the state in which the nonresident pharmacy is located; and

28 (9) Comply with the requirements of subsection [(b)(17)] (B)(16) of this
29 section.

30 [(g)] (H) Subject to the hearing provisions of § 12-411 of this title, if a
31 pharmacy or a nonresident pharmacy is operated in violation of this section, the
32 Board may suspend the applicable pharmacy permit until the pharmacy complies
33 with this section.

34 12-505.

35 (a) Except for a drug or device dispensed to an inpatient in a hospital or
36 related institution, [a pharmacist shall label each container of drugs or devices that

1 the pharmacist dispenses] EACH CONTAINER OF A DRUG OR DEVICE DISPENSED
2 SHALL BE LABELED IN ACCORDANCE WITH THIS SECTION.

3 (b) In addition to any other information required by law, [the pharmacist
4 shall include on the label] THE LABEL SHALL INCLUDE:

5 (1) The date the prescription is filled; and

6 (2) Unless otherwise required by the prescriber:

7 (i) An expiration date of the drugs or devices which shall be the
8 lesser of:

9 1. 1 year from the date of dispensing;

10 2. The month and year when the drugs or devices expire;

11 3. The appropriate expiration date for repackaged drugs or
12 devices; or

13 4. A shorter period as determined by the pharmacist;

14 (ii) Any appropriate special handling instructions regarding proper
15 storage of the drugs or devices; and

16 (iii) Subject to the provisions of subsection (c) of this section, the
17 name and strength of the drugs or devices.

18 (c) (1) Except as provided in paragraph (2) of this subsection, the
19 [pharmacist] LABEL shall indicate [on the label] the same name for the drug or
20 device as that used by the authorized prescriber.

21 (2) If, under § 12-504 of this subtitle, the pharmacist substitutes a drug
22 or device product for that named by the authorized prescriber, the pharmacist shall
23 indicate on the label both the name of the drug or device product and the name of the
24 manufacturer or distributor of the drug or device dispensed.

25 (d) (1) Except as provided in this subsection, if an authorized prescriber
26 dispenses a drug or device, the prescriber shall label each container of the drug or
27 device.

28 (2) In addition to any other information required by law, the authorized
29 prescriber shall include on the label:

30 (i) The name and strength of the drug or device;

31 (ii) The date the prescription is dispensed;

32 (iii) an expiration date of the drug or device which shall be the lesser
33 of:

- 1 1. 1 year from the date of dispensing;
- 2 2. The month and year when the drug or device expires; or
- 3 3. A shorter period as determined by the authorized
- 4 prescriber; and

5 (iv) Any appropriate special handling instructions regarding proper
6 storage of the drug or device.

7 (3) The labeling requirements of this subsection do not apply if the
8 authorized prescriber dispenses the drug or device:

9 (i) To an inpatient in a hospital or related institution;

10 (ii) In an emergency situation; or

11 (iii) As a sample drug or device dispensed in the regular course of
12 the authorized prescriber's practice.

13 (e) So long as any of the original contents remain in the container, a person
14 may not alter, deface, or remove any label required by this section.

15 SUBTITLE 6B. REGISTERED PHARMACY TECHNICIANS.

16 12-6B-01.

17 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
18 BE REGISTERED AND APPROVED BY THE BOARD AS A PHARMACY TECHNICIAN
19 BEFORE THE INDIVIDUAL MAY PERFORM DELEGATED PHARMACY ACTS.

20 (B) THIS SECTION DOES NOT APPLY TO:

21 (1) A PHARMACY STUDENT WORKING UNDER THE DIRECT SUPERVISION
22 OF A LICENSED PHARMACIST AS A PHARMACY TECHNICIAN, PROVIDED THE
23 PHARMACY STUDENT:

24 (I) COMPLETES A FORM THAT THE BOARD REQUIRES; AND

25 (II) MEETS THE REQUIREMENTS THAT MAY BE ESTABLISHED IN
26 REGULATIONS ADOPTED BY THE BOARD; OR

27 (2) AN INDIVIDUAL ENGAGING IN A BOARD APPROVED PHARMACY
28 TECHNICIAN CERTIFICATION PROGRAM UNDER THE DIRECT SUPERVISION OF A
29 LICENSED PHARMACIST OR A REGISTERED PHARMACY TECHNICIAN, PROVIDED
30 THAT THE INDIVIDUAL DOES NOT PERFORM DELEGATED PHARMACY ACTS BEYOND A
31 TIME PERIOD ESTABLISHED BY REGULATIONS ADOPTED BY THE BOARD.

1 12-6B-02.

2 (A) TO QUALIFY FOR REGISTRATION AN APPLICANT SHALL BE AN INDIVIDUAL
3 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

4 (B) THE APPLICANT:

5 (1) MUST BE OF GOOD MORAL CHARACTER;

6 (2) MUST BE AT LEAST 18 YEARS OLD;

7 (3) UNLESS OTHERWISE AUTHORIZED IN REGULATIONS ADOPTED BY
8 THE BOARD, MUST BE A HIGH SCHOOL GRADUATE OR HAVE ATTAINED A HIGH
9 SCHOOL EQUIVALENCY;

10 (4) SHALL HAVE RECEIVED CERTIFICATION THROUGH:

11 (I) AN EXAMINATION PROCESS APPROVED BY THE BOARD; OR

12 (II) A TECHNICIAN TRAINING PROGRAM APPROVED BY THE BOARD;

13 (5) SHALL HAVE COMPLETED 160 HOURS OF WORK EXPERIENCE IN THE
14 PRESCRIPTION AREA OF A PHARMACY THAT POSSESSES A VALID PHARMACY PERMIT
15 WITHIN THE 3 MONTHS IMMEDIATELY PRECEDING APPLICATION FOR A PHARMACY
16 TECHNICIAN'S REGISTRATION; AND

17 (6) SHALL HAVE COMPLETED A STATE AND NATIONAL CRIMINAL
18 BACKGROUND INVESTIGATION.

19 12-6B-03.

20 (A) AN APPLICANT FOR REGISTRATION SHALL:

21 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
22 BOARD REQUIRES;

23 (2) PROVIDE DOCUMENTATION SIGNED BY A LICENSED PHARMACIST
24 THAT THE APPLICANT HAS WORKED IN THE PRESCRIPTION AREA OF A PHARMACY
25 FOR 160 HOURS WITHIN THE 3 MONTHS IMMEDIATELY PRECEDING THE
26 APPLICATION;

27 (3) PROVIDE DOCUMENTATION OF HAVING SUCCESSFULLY
28 COMPLETED:

29 (I) AN EXAMINATION PROCESS APPROVED BY THE BOARD; OR

30 (II) A TECHNICIAN TRAINING PROGRAM APPROVED BY THE BOARD;

31 (4) SUBMIT TO A STATE AND NATIONAL CRIMINAL BACKGROUND
32 INVESTIGATION; AND

1 (5) PAY THE APPLICATION FEES SET BY THE BOARD.

2 (B) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT.

3 12-6B-04.

4 THE BOARD SHALL REGISTER AS A PHARMACY TECHNICIAN ANY APPLICANT
5 WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

6 12-6B-05.

7 (A) A REGISTERED PHARMACY TECHNICIAN SHALL NOTIFY THE BOARD OF
8 EACH CONVICTION OF OR ENTRY OF A PLEA OF NOLO CONTENDERE FOR A FELONY
9 OR A CRIME INVOLVING MORAL TURPITUDE, REGARDLESS OF WHETHER:

10 (1) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION OF
11 SENTENCE IS WITHHELD; OR

12 (2) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING THE
13 MATTER.

14 (B) THE REGISTERED PHARMACY TECHNICIAN SHALL NOTIFY THE BOARD
15 WITHIN 7 DAYS OF THE CONVICTION OR ENTRY OF THE PLEA.

16 12-6B-06.

17 (A) REGISTRATION AUTHORIZES A REGISTERED PHARMACIST TECHNICIAN TO
18 PERFORM DELEGATED PHARMACY ACTS AS DEFINED IN § 12-101 OF THIS TITLE
19 WHILE THE REGISTRATION IS EFFECTIVE.

20 (B) A REGISTERED PHARMACY TECHNICIAN SHALL MAINTAIN A
21 CERTIFICATION FROM A TECHNICIAN TRAINING PROGRAM APPROVED BY THE
22 BOARD WHILE REGISTERED.

23 12-6B-07.

24 (A) (1) UNLESS THE REGISTRATION IS RENEWED FOR AN ADDITIONAL TERM
25 AS PROVIDED IN THIS SECTION, REGISTRATION EXPIRES ON THE DATE SET BY THE
26 BOARD.

27 (2) REGISTRATION MAY NOT BE RENEWED FOR A TERM LONGER THAN 2
28 YEARS.

29 (3) THE ABILITY OF A REGISTERED PHARMACY TECHNICIAN TO
30 FUNCTION AS A PHARMACY TECHNICIAN TERMINATES ON THE DATE OF EXPIRATION
31 OF THE PHARMACY TECHNICIAN'S REGISTRATION UNLESS RENEWED.

32 (B) AT LEAST 1 MONTH BEFORE THE REGISTRATION EXPIRES, THE BOARD
33 SHALL SEND TO THE REGISTERED PHARMACY TECHNICIAN, BY FIRST-CLASS MAIL
34 TO THE LAST KNOWN ADDRESS OF THE REGISTERED PHARMACY TECHNICIAN, A
35 RENEWAL NOTICE THAT STATES:

1 (1) THE DATE ON WHICH THE REGISTRATION EXPIRES;

2 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
3 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
4 THE PHARMACY TECHNICIAN'S REGISTRATION EXPIRES; AND

5 (3) THE AMOUNT OF THE RENEWAL FEE.

6 (C) THE REGISTERED PHARMACY TECHNICIAN PERIODICALLY MAY RENEW A
7 PHARMACY TECHNICIAN'S REGISTRATION FOR AN ADDITIONAL 2-YEAR TERM, IF THE
8 REGISTERED PHARMACY TECHNICIAN:

9 (1) OTHERWISE IS ENTITLED TO BE REGISTERED AS A PHARMACY
10 TECHNICIAN;

11 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
12 THAT THE BOARD REQUIRES;

13 (3) MAINTAINS CURRENT CERTIFICATION FROM A TECHNICIAN
14 CERTIFICATION PROGRAM APPROVED BY THE BOARD;

15 (4) MEETS THE CONTINUING EDUCATION REQUIREMENTS SET BY THE
16 BOARD UNDER THIS SECTION; AND

17 (5) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.

18 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
19 ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING
20 EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF LICENSES
21 UNDER THIS SECTION.

22 (E) THE BOARD SHALL RENEW THE REGISTRATION OF EACH PHARMACY
23 TECHNICIAN WHO MEETS THE REQUIREMENTS OF THIS SECTION.

24 12-6B-08.

25 (A) EACH REGISTERED PHARMACY TECHNICIAN SHALL:

26 (1) DISPLAY THE PHARMACY TECHNICIAN'S REGISTRATION IN THE
27 OFFICE OR PLACE OF BUSINESS IN WHICH THE PHARMACY TECHNICIAN IS
28 WORKING; OR

29 (2) HAVE THE REGISTRATION ON THE PHARMACY TECHNICIAN'S
30 PERSON AVAILABLE FOR VIEWING.

31 (B) WHEN PERFORMING DELEGATED PHARMACY ACTS, THE REGISTERED
32 PHARMACY TECHNICIAN SHALL WEAR IDENTIFICATION THAT CONSPICUOUSLY
33 IDENTIFIES THE REGISTERED PHARMACY TECHNICIAN AS SUCH.

1 12-6B-09.

2 SUBJECT TO THE HEARING PROVISION OF § 12-315 OF THIS TITLE, THE BOARD
3 MAY DENY A PHARMACY TECHNICIAN'S REGISTRATION TO ANY APPLICANT,
4 REPRIMAND A REGISTERED PHARMACY TECHNICIAN, PLACE ANY PHARMACY
5 TECHNICIAN'S REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A
6 PHARMACY TECHNICIAN'S REGISTRATION IF THE APPLICANT OR PHARMACY
7 TECHNICIAN REGISTRANT:

8 (1) PERFORMS AN ACT THAT IS RESTRICTED TO A LICENSED
9 PHARMACIST;

10 (2) FAILS TO MAINTAIN THE PROPER CERTIFICATION FROM A
11 TECHNICIAN TRAINING PROGRAM APPROVED BY THE BOARD;

12 (3) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
13 OBTAIN A PHARMACY TECHNICIAN'S REGISTRATION FOR THE APPLICANT OR ASSISTS
14 OR ATTEMPTS TO ASSIST ANOTHER IN FRAUDULENTLY OR DECEPTIVELY OBTAINING
15 A PHARMACY TECHNICIAN'S REGISTRATION;

16 (4) FRAUDULENTLY USES A PHARMACY TECHNICIAN'S REGISTRATION;

17 (5) AIDS AN UNAUTHORIZED INDIVIDUAL TO PRACTICE PHARMACY OR
18 TO REPRESENT THAT THE INDIVIDUAL IS A LICENSED PHARMACIST OR REGISTERED
19 PHARMACY TECHNICIAN;

20 (6) PERFORMS DELEGATED PHARMACY ACTS WHILE:

21 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

22 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
23 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
24 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
25 INDICATION;

26 (7) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

27 (8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD AS PART
28 OF THE REGISTERED PHARMACY TECHNICIAN'S DUTIES OR EMPLOYMENT;

29 (9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT THAT IS
30 REQUIRED BY LAW;

31 (10) WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF
32 ANY REPORT THAT IS REQUIRED BY LAW;

33 (11) WILLFULLY INDUCES ANOTHER TO FAIL TO FILE OR RECORD ANY
34 REPORT THAT IS REQUIRED BY LAW;

1 (12) PROVIDES OR CAUSES TO BE PROVIDED TO ANY AUTHORIZED
2 PRESCRIBER PRESCRIPTION FORMS THAT BEAR THE NAME, ADDRESS, OR OTHER
3 MEANS OF IDENTIFICATION OF A PHARMACIST OR PHARMACY;

4 (13) PROVIDES REMUNERATION TO AN AUTHORIZED PRESCRIBER FOR
5 REFERRING AN INDIVIDUAL TO A LICENSED PHARMACIST, REGISTERED PHARMACY
6 TECHNICIAN, OR PHARMACY FOR A PRODUCT OR SERVICE TO BE PROVIDED BY THAT
7 LICENSED PHARMACIST, REGISTERED PHARMACY TECHNICIAN, OR PHARMACY;

8 (14) AGREES WITH AN AUTHORIZED PRESCRIBER OR PHARMACIST TO
9 PREPARE OR DISPENSE A SECRET FORMULA PRESCRIPTION;

10 (15) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN
11 CONTINUOUS EXISTENCE SINCE JULY 1, 1963, ASSOCIATES AS A PARTNER,
12 CO-OWNER, OR EMPLOYEE OF A PHARMACY THAT IS OWNED WHOLLY OR
13 SUBSTANTIALLY BY AN AUTHORIZED PRESCRIBER OR GROUP OF AUTHORIZED
14 PRESCRIBERS;

15 (16) AIDS A PHARMACIST IN DISPENSING ANY DRUG, DEVICE, OR
16 DIAGNOSTIC FOR WHICH A PRESCRIPTION IS REQUIRED WITHOUT A WRITTEN, ORAL,
17 OR ELECTRONICALLY TRANSMITTED PRESCRIPTION FROM AN AUTHORIZED
18 PRESCRIBER;

19 (17) UNLESS AN AUTHORIZED PRESCRIBER AUTHORIZES THE REFILL,
20 REFILLS A PRESCRIPTION FOR ANY DRUG, DEVICE, OR DIAGNOSTIC FOR WHICH A
21 PRESCRIPTION IS REQUIRED;

22 (18) VIOLATES ANY LABELING REQUIREMENTS IN THIS TITLE;

23 (19) VIOLATES ANY PROVISION OF § 12-603 OF THIS TITLE, WHICH
24 CONCERNS THE HOME DIALYSIS DISTRIBUTION PROGRAM;

25 (20) ADVERTISES OR OTHERWISE PUBLICLY CLAIMS TO DISPENSE
26 PRESCRIPTIONS IN A SUPERIOR MANNER;

27 (21) ADVERTISES IN A MANNER THAT TENDS TO DECEIVE OR DEFRAUD
28 THE PUBLIC;

29 (22) IS PHYSICALLY OR MENTALLY INCOMPETENT;

30 (23) PLEADED GUILTY OR NOLO CONTENDERE TO, OR HAS BEEN FOUND
31 GUILTY OF, A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, REGARDLESS OF
32 WHETHER:

33 (I) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION
34 OF SENTENCE IS WITHHELD; OR

35 (II) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING
36 THE MATTER;

- 1 (24) VIOLATES ANY PROVISION OF THIS TITLE;
- 2 (25) IS DISCIPLINED BY A LICENSING, REGISTERING OR DISCIPLINARY
3 AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A
4 COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR
5 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;
- 6 (26) VIOLATES ANY REGULATION ADOPTED BY THE BOARD;
- 7 (27) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
8 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
9 WHICH THE REGISTERED PHARMACY TECHNICIAN IS REGISTERED AND QUALIFIED
10 TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;
- 11 (28) PARTICIPATES IN ANY ACTIVITY THAT IS GROUNDS FOR BOARD
12 ACTION UNDER § 12-313 OR § 12-409 OF THIS TITLE;
- 13 (29) PROVIDES OR CAUSES TO BE PROVIDED CONFIDENTIAL PATIENT
14 INFORMATION TO ANY PERSON WITHOUT FIRST HAVING OBTAINED THE PATIENT'S
15 CONSENT, AS REQUIRED BY § 12-403(B)(12) OF THIS TITLE AND BY TITLE 4, SUBTITLE
16 3 OF THE HEALTH - GENERAL ARTICLE;
- 17 (30) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED
18 BY THE BOARD OR THE DIVISION OF DRUG CONTROL;
- 19 (31) PERFORMS DELEGATED PHARMACY ACTS IN AN INCOMPETENT
20 MANNER;
- 21 (32) PERFORMS DELEGATED PHARMACY ACTS THAT ARE INAPPROPRIATE
22 BASED ON THE REGISTERED PHARMACY TECHNICIAN'S EDUCATION, TRAINING, AND
23 EXPERIENCE; OR
- 24 (33) ASSIGNS DELEGATED PHARMACY ACTS TO AN UNREGISTERED
25 PERSON.
- 26 12-6B-10.
- 27 (A) IF AFTER A HEARING UNDER § 12-315 OF THIS SUBTITLE, THE BOARD
28 FINDS THAT THERE IS A GROUND UNDER § 12-6B-09 OF THIS SUBTITLE TO
29 REPRIMAND A REGISTERED PHARMACY TECHNICIAN, PLACE A PHARMACY
30 TECHNICIAN'S REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A
31 PHARMACY TECHNICIAN'S REGISTRATION, THE BOARD MAY IMPOSE A PENALTY NOT
32 EXCEEDING \$10,000:
- 33 (1) INSTEAD OF REPRIMANDING THE REGISTERED PHARMACY
34 TECHNICIAN, PLACING THE REGISTERED PHARMACY TECHNICIAN ON PROBATION,
35 OR SUSPENDING OR REVOKING THE PHARMACY TECHNICIAN'S REGISTRATION; OR

1 (2) IN ADDITION TO REPRIMANDING THE REGISTERED PHARMACY
2 TECHNICIAN, PLACING THE REGISTERED PHARMACY TECHNICIAN ON PROBATION,
3 OR SUSPENDING OR REVOKING THE PHARMACY TECHNICIAN'S REGISTRATION.

4 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE
5 IMPOSITION OF PENALTIES UNDER THIS SECTION.

6 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION
7 INTO THE GENERAL FUND OF THIS STATE.

8 12-6B-11.

9 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
10 PHARMACY TECHNICIAN'S REGISTRATION, A REGISTERED PHARMACY TECHNICIAN
11 MAY NOT SURRENDER THE PHARMACY TECHNICIAN'S LICENSE NOR MAY THE
12 PHARMACY TECHNICIAN'S LICENSE LAPSE BY OPERATION OF LAW WHILE THE
13 REGISTERED PHARMACY TECHNICIAN IS UNDER INVESTIGATION OR WHILE
14 CHARGES ARE PENDING AGAINST A REGISTERED PHARMACY TECHNICIAN.

15 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
16 REGISTERED PHARMACY TECHNICIAN UNDER INVESTIGATION OR AGAINST WHOM
17 CHARGES ARE PENDING TO ACCEPT THE SURRENDER OF THE PHARMACY
18 TECHNICIAN'S REGISTRATION.

19 12-6B-12.

20 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT WORK,
21 ATTEMPT TO WORK, OR OFFER TO WORK AS A REGISTERED PHARMACY TECHNICIAN
22 IN THIS STATE UNLESS REGISTERED WITH THE BOARD.

23 12-6B-13.

24 (A) A PERSON MAY NOT OBTAIN A PHARMACY TECHNICIAN'S REGISTRATION
25 BY MAKING A FALSE REPRESENTATION.

26 (B) ON CONVICTION OF A PERSON FOR MAKING A FALSE REPRESENTATION TO
27 THE BOARD IN ORDER TO REGISTER AS A PHARMACY TECHNICIAN, THE PHARMACY
28 TECHNICIAN'S REGISTRATION IS VOID.

29 12-6B-14.

30 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
31 REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR
32 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS REGISTERED TO WORK AS A
33 REGISTERED PHARMACY TECHNICIAN UNLESS REGISTERED IN ACCORDANCE WITH
34 THIS SUBTITLE.

35 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
36 USE THE TERMS "REGISTERED PHARMACY TECHNICIAN" OR "PHARMACY
37 TECHNICIAN" WITH THE INTENT TO REPRESENT THAT THE PERSON IS AUTHORIZED

1 TO WORK AS A REGISTERED PHARMACY TECHNICIAN UNLESS REGISTERED AS A
2 PHARMACY TECHNICIAN UNDER THIS SUBTITLE.

3 12-707.

4 (a) A person who violates any provision of the following subtitles or sections of
5 this title is guilty of a misdemeanor and on conviction is subject to a fine not
6 exceeding \$1,000:

- 7 (1) § 12-311 ("Display of licenses");
- 8 (2) Subtitle 4 ("Pharmacy permits");
- 9 (3) § 12-502(b) ("Pharmaceutical information");
- 10 (4) § 12-505 ("Labeling requirements for prescription medicines"); and
- 11 (5) § 12-604 ("General power to inspect drugs, devices, and other
12 products").

13 (b) A person who violates any provision of the following sections of this title is
14 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
15 imprisonment not exceeding 1 year or both:

- 16 (1) § 12-602 ("Distribution permits");
- 17 (2) § 12-6B-12 ("WORKING AS AN UNREGISTERED PHARMACY
18 TECHNICIAN");
- 19 [(2)] (3) § 12-701 ("Practicing pharmacy without license");
- 20 [(3)] (4) § 12-702 ("License obtained by false representation");
- 21 [(4)] (5) § 12-703 ("Operating a pharmacy without permit"); and
- 22 [(5)] (6) § 12-704 ("Misrepresentations").

23 (c) Each day that a violation of any section of Subtitle 4 of this title continues
24 constitutes a separate offense.

25 (d) Within 10 days after a court renders the conviction, the court shall report
26 to the Board each conviction of a pharmacist OR REGISTERED PHARMACY
27 TECHNICIAN for:

- 28 (1) Any crime regarding the pharmacy or drug laws that involves
29 professional misconduct; or
- 30 (2) Any crime that involves the State law regarding controlled dangerous
31 substances or the federal narcotic laws.

1 (e) (1) Any person who violates § 12-701 ("Practicing pharmacy without a
2 license"), [or] § 12-703 ("Operating a pharmacy without a permit"), OR § 12-6B-12
3 ("WORKING AS AN UNREGISTERED PHARMACY TECHNICIAN") of this [subtitle] TITLE
4 is subject to a civil fine of not more than \$50,000 to be assessed by the Board.

5 (2) The Board shall pay any penalty collected under this subsection into
6 the State Board of Pharmacy Fund.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.